

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

GABRIEL J.B. MONTOYA, HAYDAR
AL-ASSADI, *and* ARES BROWN,

Plaintiffs,

v.

No. 1:22-cv-00265-KG-JHR

NEW MEXICO CORRECTIONS
DEPARTMENT, *et al.*,

Defendants.

ORDER DENYING MOTION TO COMPEL WITHOUT PREJUDICE

Before the Court is Plaintiffs Ares Brown’s and Gabriel J.B. Montoya’s Motion to Compel Full and Complete Supplemental Answers to Interrogatories and Documents Requested in the First Request for Production of Documents, [Doc. 66] (“the Motion”). *Sua sponte*, the Court denies the Motion without prejudice for failure to comply with the Court’s Order Setting Case Management Deadlines and Discovery Parameters, [Doc. 45].

The scheduling order states: “Pursuant to Federal Rule of Civil Procedure 16(b)(3)(B)(v), ‘before moving for an order relating to discovery, the movant must request a conference with the court’ to attempt to informally resolve the dispute. Discovery motions that fail to conform to this requirement may be summarily denied.” [Doc. 45, p. 2]. Plaintiffs did not request an informal discovery conference with the Court to attempt to resolve their dispute with Defendants before moving to compel and thus violated the Court’s scheduling order. The Court thus exercises its discretion to summarily deny Plaintiffs’ Motion without prejudice. Plaintiffs may refile their Motion after requesting an informal conference before the Court and attempting in good faith to resolve the matter informally.

IT IS SO ORDERED.

A handwritten signature in blue ink, appearing to read "JHR", is written over a horizontal line.

Jerry H. Ritter
U.S. Magistrate Judge